IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 23207 of 2007(K)

PETITIONER:

REGHU E., AGED 47 YEARS,
S/O.P.KUTTAPPAN NAIR, ERADATH HOUSE,
SUMOM NIVAS, RAPPAL P.O., PUDUKKAD.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE,
THRISSUR.

2. THE ASSISTANT ENGINEER, ELECTRICAL
SUB DIVISION, KERALA STATE ELECTRICITY BOARD,
KARUVANNUR.

3. SMT.KOCHAMINIAMMA, ERADATH HOUSE,
SUMOM NIVAS, RAPPAL P.O., PUDUKKAD.

R2 BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.23207 of 2007

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Dated this the 4th day of September, 2007.

JUDGMENT

The W.P. is filed for an order of prohibition against shifting the electric post from private property of one Kochammini Amma to the road side. The only case of the petitioner is that the road belongs to the petitioner. Standing Counsel for KSEB produced sketch which shows the present location of the electric post and the location to which it is going to be shifted which is on road side. I find the shifting is perfectly justified because the property owner is getting benefit on account of shifting. Petitioner's grievance is without substance because so long as the post is shifted to the road side and remains there, petitioner cannot have any serious grievance about shifting. Even if petitioner is the owner of the road, petitioner's right over the road is not affected on account of the presence of an electric post on the road side. Since the shifting is done for the benefit of another person at her request and since the same does not lead to any inconvenience to the petitioner in as much as use of road is not affected, petitioner's request cannot be allowed. The W.P. is accordingly dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms